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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 13236/2022**

SUNAYANA SIBAL & ORS.

..... Petitioners

Through: Mr.Vivek Sibal, Sr.Advocate with
Ms.Smriti Sinha, Ms.Esha Dutta,
Ms.Shaalini Agrawal, Mr.Siddharth
Pandey and Ms.Sara Shrawani,
Advocates.

versus

GOVERNMENT OF NCT OF DELH & ORS. Respondents

Through: Mr.Manu Chaturvedi, Standing
Counsel with Ms.Devika Singh Roy
Chowdhury, Advocates for MCD and
Dr.V.K.Singh, Director.
Mr.Rakesh Chaudhary, Advocate
with Mr.Sushaar Chaudhary,
Advocate for R-4.
Mr.Biraja Mahapatra, Advocate
Mr.Nalin Hingorani, Advocate for R-
5.
Mr.Parvinder Chauhan, Advocate
with Mr.P.K.Jha (Principal Director)
and Mr.Vijay Maggo (Law Officer)
for DUSIB.
Mr.Kirtiman Singh, CGSC with
Mr.Waize Ali Noor, Mr.Ranjeev
Khatana, Mr.Varun Rajawat,
Mr.Maulik Khurrana and Mr.Varun
Pratap Singh, Advocates for UOI.
Ms.Beenashaw N.Soni, ASC with
Ms.Ann Joseph, Advocate for DDA.
Mr.Sunil Kumar, Advocate with
Mr.Vipin Mehra, Mr.Anuj Jain,
Mr.Sunil Roy and Mr.Hemraj



Murmu, Advocates for R-11.
Mr.Sunil Dalal, Sr.Advocate with
Mr.Abhishek Sharma, Ms.Neha
Mishra and Ms.Muskan Jain,
Advocates in CM APPLs.45672/2024
and 45674/2024.
Mr.Rakesh Khanna, Sr.Advocate with
Mr.Sunil Kumar and Ms.Charu,
Advocates in CM APPL.47255/2024.
Mr.Gurmehar S.Sistani, Advocate
with Mr.Samit Khosla, Advocate in
CM APPLs.47176-47177/2024.
Ms.Gauri Puri, Court Commissioner.

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Date of Decision: 16th August, 2024

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

CM APPL. 47256/2024

1. Exemption allowed, subject to just exceptions.
2. Accordingly, the application stands disposed of.

CM APPL.47255/2024

3. After some arguments, Mr. Khanna, learned senior counsel for the applicants wishes to withdraw the present application with liberty to file appropriate proceedings before the Appellate Tribunal, MCD.
4. With the aforesaid liberty, the present application stands disposed of.
5. It is clarified that Appellate Tribunal, MCD shall decide the matter in accordance with law.

**CM APPL.45834/2024**

6. Learned counsel for the applicants states that after the order dated 19th July, 2024 was passed by this Court, the applicants have ceased to use the plots allotted to them in Madanpur Khadar for commercial purpose. He states that the plots are now being used by the applicants exclusively for dairy purpose.

7. Keeping in view the said statement, the present impleadment application is allowed. The applicants are impleaded as Respondent No. 14 (a) to (d). However, the learned counsel for DUSIB is directed to verify the said fact and file a status report before the next date of hearing.

8. The applicants state that they are allottees/legal heirs of the allottees of the respective dairies in Madanpur Khadar. The applicants are directed to file individual affidavits furnishing details as per paragraph 17 of the order dated 09th August, 2024. The affidavits will be filed on or before 21st August, 2024. The DUSIB will verify the contents of the affidavit and report before the next date of hearing.

CM APPL.45835/2024

9. Though the present application has been filed seeking direction to the respondents not to take any adverse or coercive action against the present applicants during the pendency of the present matter, yet learned counsel for the applicants fairly states that the applicants would be satisfied if this Court were to direct the Principal Director (CDF), DUSIB to decide the appeals filed by the applicants.

10. Keeping in view the aforesaid, the present application is disposed of with a direction to the Principal Director (CDF), DUSIB to decide the appeals filed by the applicants in accordance with law within four weeks.



CM APPLs.47176-47177/2024

11. After some arguments, learned counsel for the applicants wishes to withdraw the present applications with liberty to file appropriate proceedings before the Appellate Tribunal, MCD.

12. With the aforesaid liberty, the present applications stand disposed of.

13. It is clarified that the Appellate Tribunal, MCD shall decide the matter in accordance with law.

CM APPLs.45672/2024

14. Mr.Dalal, learned senior counsel for the applicants prays for return of the affidavits filed by the applicants in pursuance to the last order. He also prays for further time to place on record revised affidavits in conformity with the last order. Let the needful be done on or before 22nd August, 2024. The Registry is also directed to return the affidavits filed by Mr.Abhishek Sharma, Advocate. It is clarified that the said affidavits shall not form a part of the record.

15. Learned senior counsel for the applicants once again assures and undertakes to this Court that members of the applicant-association of Bhalaswa dairy are willing to shift their cattle to Ghogha dairy. The said statement is taken on record and the applicants are held bound by the same.

16. In view of the aforesaid, the interim order dated 9th August, 2024 is extended till the next date of hearing.

17. The applicants will ensure that the affidavits for CM APPL. 45672/2024 are filed separately and the affidavits duly mention the CM application number.

18. The affidavits shall be serialized in order as per the plot number in each block, duly indexed and filed compliant with the rules. The copy of the



affidavit will be duly served on the Petitioners, Court Commissioner, GNCTD, MCD and DUSIB.

CM APPL.47151/2024

19. Present application has been filed for impleadment.

20. Keeping in view the averments in the application, the same is allowed and Mr. Gautam is impleaded as Respondent No. 15.

21. Mr.Gautam assures and undertakes to this Court that he shall organise cleanliness drive in Madanpur Khadar area within two weeks. The said statement is taken on record. Accordingly, the present application stands disposed of.

CM APPL. 56064/2023

22. This application stands allowed vide order 01st November, 2023. The registry is directed mark this application as disposed of in the folder.

W.P.(C) 13236/2022

23. Today, learned counsel for MCD has handed over a master plan for Ghogha dairy. He is directed to file a copy of the same with the Registry of this Court. He further states that the layout plan for each plot is being prepared for submission to the MCD House. He states that the layout plan will be prepared keeping in view the directions issued in the last order. He states that the final layout plan will be filed by 25th August, 2024.

24. In the proposed master plan, the grazing area has not been demarcated as also an area for a cooperative society to enable collection of daily production of milk has not been planned for. The Commissioner, MCD is directed to examine if a cooperative such as Amul or Mother Dairy or any other organisation can be involved for setting up a collection centre at Ghogha Dairy so that the dairy owners have a ready consumer for their



produce as this would make the dairy colony self-sustaining.

25. The Registry is directed to place the disposed of applications in a separate folder as the file is currently into 3,000 pages. The affidavits to be filed by the dairy owners in compliance with the order dated 09th August, 2024 in CM APPL. 45674/2024 and CM APPL. 45672/2024 be also placed in a separate folder keeping in view that the applicants are to the tune of 419 in number. The first and the second reports of the Court Commissioner be also placed in a separate folder.

26. From the applications listed today, it seems that the focus of the present writ petition and the intent of this Court have not been understood by many.

27. Present writ petition deals with the health and well being of the next generation of this city. It deals with the food cycle of the citizens of Delhi. The intent of the petitioners is that animals be not treated cruelly and that citizens of Delhi get healthy milk to drink and not contaminated milk.

28. Cows and buffaloes which eat toxic waste cannot produce healthy and wholesome milk. Can we have infants drink milk from cows who are feeding on toxic waste from Bhalaswa landfill? The milk from these animals is being sold across the city to make formula milk for children and goes into making milk items like mithai etc. for thousands of consumers. It is in this context that Court has directed dairies situated next to sanitary landfills to be shifted. The intent of this Court is to ensure that the next generation is healthy and does not suffer from life threatening diseases.

29. This Court is also trying to ensure that Government of NCT of Delhi and MCD provide the best infrastructural facilities at the place where the dairy owners are to be resettled and rehabilitated by providing grazing area,



2024:DHC:6219-DB



biogas plant, sewage & drainage facility, veterinary hospital and fully integrated milk plant.

30. The present matter does not deal with real estate; it deals with health, hygiene and safety of common people and prevention of cruelty to animals.

31. List the present writ petition along with pending applications on the date already fixed i.e. 23rd August, 2024 at 02:30 P.M.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

AUGUST 16, 2024
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